

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2681 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.PANDIT

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

PANKAJBHAI HASMUKHBHAI

RAJYAGURU

Versus

DY COLLECTOR

Appearance:

MR HK RATHOD for Petitioner

MR.V.B.GARANIYA ASSTT.GOVERNMENT PLEADER for Respondent No.1

CORAM : MR.JUSTICE S.D.PANDIT

Date of decision: 30/06/98

ORAL JUDGEMENT

#. Rule. Mr.V.B.Gharaniya, Asstt. Govt. Pleader waives notice of rule.

#. The present petition is filed by Shri Pankajbhai Hasmukhbhai Rajyaguru seeking implementation of the award passed by the labour court, Bhavnagar in Reference No.393/95 decided on 22-2-97 as well as the order passed in Misc. Application No.28/97 passed on 30-9-97. The claim of the petitioner that he was working as peacemaker with the respondent with effect from 1st

January,1992 and his services were illegally terminated on 15-12-93. He therefore raised an industrial dispute to challenge the said order of termination of his services and consequently Reference No.393/95 was made. The said reference was decided on 22.2.97 and the award was also published on 7th May,1997 but there is no implementation of the said award. The respondent had filed Misc.Application no.28/97 in the said reference No.393/95 to set aside the said exparte award but the same was rejected on 30th September,1997. Thereafter the petitioner had served legal notice calling upon the respondent to reinstate him as per the order of Court but the respondent has not taken any heed to the same hence he came before this court with this petition.

#. The learned Asstt,. Govt. Pleader has fairly stated that as per his instructions till this date, no petition is filed to challenge the award passed in Reference No.393/95 as well as against the order passed in Misc. Application No.28/97 filed under Rule-29-A. Now when no petition is filed to challenge the award passed, there is no justification in not implementing the said award therefore Mr.Rathod was quite justified in contending to that effect. The respondent have no reasons for not implementing the award in question and therefore in the circumstances I hereby direct the respondent to implement the award passed in Reference No.393/95 within 4 (four) weeks from today but in the circumstances, I direct the parties to bear their respective cost. Rule is made absolute.

Dt: 30-6-1998 (S.D.Pandit, J)
(KPP)